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May 30, 2025

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**VIA ECF**

Honorable John G. Koeltl  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *NCR Voyix Corp. v. Embarcadero Techs. Europe, Ltd.*,  
Case No. 1:24-cv-04458-JGK

Dear Judge Koeltl:

On behalf of Plaintiff NCR Voyix Corporation (“NCR”) and pursuant to the Court's Individual Practices Section VII.A.2, we respectfully seek the Court’s permission to seal the following documents in connection with NCR’s Opposition to Defendant Embarcadero Technologies Europe Limited’s (“Embarcadero”) Motion for Summary Judgment (ECF 70): (1) documents produced by Embarcadero in discovery and stamped by Embarcadero as confidential (the “Confidential Documents”) under the Agreed Protective Order, ECF 37; and (2) NCR’s Memorandum of Law in Opposition to Embarcadero’s Motion for Summary Judgment, Local Rule 56.1(b) Statement of Contested Material Facts, and supporting declarations, solely to redact quotations from the March 31, 2023 Settlement and Release Agreement between the parties (“Settlement”), the contract at issue in this litigation, and quotations from the Confidential Documents.

Section 8 of the Settlement contains a confidentiality provision that designates the entire agreement as confidential. Moreover, the Settlement contains significant commercially sensitive terms, including a payable settlement amount and specifically negotiated license pricing terms. Notably, the Court has already permitted that the Settlement Agreement be filed under seal in in this litigation. ECF 15, 80, 93.

In accordance with Section 16 of the Agreed Protective Order (ECF 37), NCR seeks to file the Confidential Documents (and quotations therefrom) under seal in the first instance to give Embarcadero an opportunity to move to seal them.

In accordance with the Court’s Individual Practices, copies of Confidential Documents are filed contemporaneously with this letter motion. Undersigned counsel conferred with Embarcadero regarding this sealing application to narrow the scope of the request. Counsel for Embarcadero indicated that Embarcadero did not oppose the requested relief, which NCR has

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tailored to mirror the scope of the parties' letter motions to seal in this litigation. ECF 69; ECF 84; *see* ECF 80 (granting Embarcadero's motion to seal); ECF 90 (granting NCR's motion to seal).

We appreciate the Court's attention to this matter.

Respectfully Submitted,

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*Counsel for Plaintiff*

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Application Granted. SO ORDERED.

Dated: June 2, 2025 /s/ John G. Koeltl  
New York, New York John G. Koeltl, U.S.D.J.

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